

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
W. R. GRACE & CO., et al.¹) Case No. 01-01139 (JKF)
)
Debtors.) (Jointly Administered)
)
) **Related Docket No. 16622**

**DEBTORS' MOTION FOR LEAVE FROM THE COURT'S SCHEDULING
AND CASE MANAGEMENT ORDERS TO HEAR MOTION FOR AN ORDER
APPROVING A STIPULATION WITH CONTINENTAL CASUALTY COMPANY**

The Debtors hereby move this Court, pursuant to Local Rule 9006-1(e), Bankruptcy Rule 9006(c) and section 102 of the Bankruptcy Code, for leave from the Court's Scheduling and Case Management Orders² so that its *Motion for an Order Approving a Stipulation with Continental Casualty Company* (the "CCC Motion") may be heard at the Debtors' September 24,

¹ The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co. Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., GC Limited Partners I, Inc., (f/k/a Grace Cocoa Limited Partners I, Inc.), GC Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc. GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation., W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (F/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

² The *Amended Order Scheduling Omnibus Hearing Dates for 2007* [Docket 14068] (the "Scheduling Order"), dated December 19, 2006, and the *Second Amended Order Establishing Case Management Procedures and Hearing Schedule* [Docket 14028] (the "Case Management Order"), dated December 14, 2006.

2007, omnibus hearing. The Debtors also respectfully request that the Court establish September 10, 2007, at 4:00 p.m. as the deadline to respond to the CCC Motion.

Pursuant to the Scheduling and Case Management Orders, motions to be heard at the September 24, 2007, omnibus hearing were to be filed and served on or before August 20, 2007. Additionally, the Case Management Order requires that a Motion deadline be at least 17 days prior to the omnibus hearing, *i.e.*, September 7, 2007.

Bankruptcy Rule 2002 provides that the Debtors filing a motion proposing to use property of the estate outside the ordinary course of business must provide 20 days notice by mail to “the trustee, all creditors, and indenture trustees.”

Bankruptcy Rule 9006(c) provides that when an act is required to be done within a specified time by the Bankruptcy Rules “the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Similarly, Local Rule 9006-1(e) provides in pertinent part that “no motion will be scheduled on less notice than required by these Rules or the Fed. R. Bankr. P. except by Order of the Court, on written motion . . . specifying the exigencies justifying shortened notice.”

The Debtors seek to have the CCC Motion heard at the September 24, 2007, omnibus hearing because the CCC Motion is related to another motion timely filed by the Debtors with respect to a settlement of a claim with BP Products North America, Inc. (the “BP Claim”). The BP Claim will be funded, in large part, by a payment from CCC as outlined in the CCC Motion. CCC and the Debtors were not able to file the CCC Motion on the deadline of August 20, 2007, due to the need for final approval of certain language in the CCC Motion and attached stipulation, which was not obtained until August 23, 2007.

Since the Debtors have filed and served the CCC Motion more than 20 days before the September 24, 2007, omnibus hearing, as required by Bankruptcy Rule 2002, there is no prejudice to any party in interest by granting this request. Additionally, extending the response deadline to September 10, 2007, will ensure that all parties in interest have adequate time to respond.

Given that the 32 days notice that will be provided to all parties in interest is substantially longer than required under Bankruptcy Rule 2002, the Debtors respectfully submit that the extension of the deadlines described above is appropriate, as is leave from the Scheduling and Case Management Orders.

WHEREFORE, the Debtors respectfully request the entry of an Order, substantially in the form attached as Exhibit A: (i) granting the Debtors leave from the Scheduling and Case Management Orders, (ii) shortening the notice period with respect to the CCC Motion, and (iii) and setting the response deadline to the CCC Motion at September 10, 2007, at 4:00 p.m., as set forth above.

Dated: August 23, 2007

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